

Marcos Hernandez, Jr.

Criminal District Attorney

Hays County Courthouse

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2057

ID# 13618
mjs

RQ-172

September 12, 1991

Jerry Benedict
Assistant Attorney General
P.O. Box 12548
Austin, Texas 78711

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SEP 18 91

Opinion Committee

Re: HB93

Dear Mr. Benedict:

I am requesting that the Attorney General review the provisions of HB93 in regard to a county setting it's effective tax rate.

There appears to be some confusion as to whether HB93 has the effect of lowering a county's effective tax rate or if it merely increases the percentage at which a roll back would take effect.

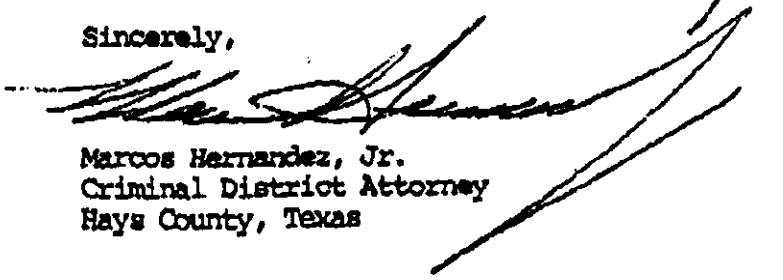
In initial reports, we were led to believe that HB93 would allow us to subtract the amount it cost Hays County to house State prisoners from calculating the increase in the effective tax rate.

Our information from the State Property Tax Board is that HB93 instead is to be used to adjust its rollback tax rate by taking into account funds spent by the county to house our State prisoners.

Obviously, these two views are vastly different and can have serious effect on a County. Therefore, I am requesting a Letter of Opinion as quickly as possible from your office as to which view is the proper way to view this new law so that Hays County can implement its provisions.

Thank you again for your immediate attention.

Sincerely,


Marcos Hernandez, Jr.
Criminal District Attorney
Hays County, Texas

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